

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND; STATE OF  
DELAWARE; STATE OF CALIFORNIA; STATE  
OF COLORADO; STATE OF ARIZONA; STATE  
OF CONNECTICUT; DISTRICT OF COLUMBIA,  
STATE OF HAWAI'I; STATE OF ILLINOIS;  
OFFICE OF THE GOVERNOR *ex rel.* Andy  
Beshear, in his official capacity as Governor of the  
COMMONWEALTH OF KENTUCKY; STATE OF  
MAINE; COMMONWEALTH OF  
MASSACHUSETTS; PEOPLE OF THE STATE OF  
MICHIGAN; STATE OF MINNESOTA; STATE OF  
NEVADA; STATE OF NEW JERSEY; STATE OF  
NEW MEXICO; STATE OF NEW YORK; STATE  
OF NORTH CAROLINA; STATE OF OREGON;  
JOSH SHAPIRO, in his official capacity as  
Governor of the COMMONWEALTH OF  
PENNSYLVANIA; STATE OF RHODE ISLAND;  
STATE OF VERMONT; STATE OF  
WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND  
COMMUNITY SERVICE, operating as  
AmeriCorps; and JENNIFER BASTRESS  
TAHMASEBI, in her official capacity as Interim  
Head of the Corporation for National and  
Community Service; OFFICE OF MANAGEMENT  
AND BUDGET; and RUSSELL VOUGHT, in his  
official capacity as Director of the Office of  
Management and Budget;

Defendants.

Civ. No. 25-cv-01363 (DLB)

**PLAINTIFF STATES' NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff States hereby notify the Court of supplemental authority relevant to this case. In their recent Memorandum, Plaintiff States noted that OMB Defendants were ordered to comply with the statutory mandate to post all apportionment decisions on a public website. Mem. Supp. 2d Mot. for Prelim. Injunction, ECF 176-1, at 11 n.7 (citing *Citizens for Resp. & Ethics in Wash. v. OMB*, No. CV 25-1051 (EGS), 2025 WL 2025114 (D.D.C. July 21, 2025)). OMB Defendants appealed that decision and sought a stay pending appeal, which the D.C. Circuit denied. *CREW v. OMB*, 25-5266 (D.C. Cir. Aug. 9, 2025) (per curiam), attached as Attachment A.

Accordingly, this week, OMB Defendants resumed posting apportionment documents on their public website: <https://apportionment-public.max.gov/>. A recent document concerning AmeriCorps operating expenses was released on the website, and a copy is attached as Attachment B.<sup>1</sup> The document, dated April 29, 2025, states that \$521,593,284 in FY 2025 appropriations for AmeriCorps' operating expenses are subject to a footnote which reads as follows:

Amounts apportioned on this line, but not yet obligated as of the date of this reapportionment, are available for obligations consistent with the latest agreed-upon spending plan for Fiscal Year 2025 between the Corporation for National and Community Service (CNCS, dba AmeriCorps) and the Office of Management and Budget (OMB). Any revisions or additions to such spending plan shall be proposed to OMB in writing no later than five business days before the anticipated obligation of funds based on such revisions or additions. If OMB agrees to such revision or addition, the latest agreed-upon spend plan shall include such revision or addition. In the absence of an agreed-upon spend plan between CNCS and OMB, CNCS may obligate funds on this line only as necessary for Federal salary and payroll expenses or payments otherwise required by law.

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<sup>1</sup> The spreadsheet is available within folder Fiscal Year 2025, subfolder Other Independent Agencies, subfolder Excel: [https://apportionmentpublic.max.gov/Fiscal%20Year%202025/Other%20Independent%20Agencies/Excel/FY2025\\_Agency%3DCNCS\\_Bureau%3DCNCS\\_TA\\_FS%3D485-2025-2025-2728\\_Iteration%3D3\\_2025-04-29-16.02.xlsx](https://apportionmentpublic.max.gov/Fiscal%20Year%202025/Other%20Independent%20Agencies/Excel/FY2025_Agency%3DCNCS_Bureau%3DCNCS_TA_FS%3D485-2025-2025-2728_Iteration%3D3_2025-04-29-16.02.xlsx).

No “spending plan” or “spend plan” for AmeriCorps is available on the public website. The parties conferred via email, and Defendants stated that they “are not able to confirm if AmeriCorps has entered into a spend plan because that fact (as well as the disclosure of such a plan, if it does exist) would be pre-decisional and deliberative.”

Dated: August 21, 2025

**ANTHONY G. BROWN**  
ATTORNEY GENERAL OF MARYLAND

By: /s/ Michael Drezner  
Michael Drezner (D. Md. Bar. No. 31784)  
Keith M. Jamieson (D. Md. Bar. No. 31543)  
Virginia Williamson (D. Md. Bar. No. 31472)  
*Assistant Attorneys General*  
Office of the Attorney General  
200 Saint Paul Place  
Baltimore, Maryland 21202  
(410) 576-6959  
[mdrezner@oag.state.md.us](mailto:mdrezner@oag.state.md.us)

*Counsel for the State of Maryland*

**ROB BONTA**  
ATTORNEY GENERAL OF CALIFORNIA

By: /s/ Ezra Kautz  
Ezra Kautz\*  
*Deputy Attorney General*  
Joel Marrero\*  
William H. Downer\*  
*Supervising Deputy Attorneys General*  
Brian Bilford\*  
*Deputy Attorney General*  
Michael L. Newman\*  
*Senior Assistant Attorney General*  
California Department of Justice

Respectfully submitted,

**KATHLEEN JENNINGS**  
ATTORNEY GENERAL OF DELAWARE

By: /s/ Ian R. Liston  
Ian R. Liston\*  
*Director of Impact Litigation*  
Vanessa L. Kassab\*  
*Deputy Attorney General*  
Delaware Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 683-8899  
[Ian.Liston@delaware.gov](mailto:Ian.Liston@delaware.gov)

*Counsel for the State of Delaware*

**PHILIP J. WEISER**  
ATTORNEY GENERAL OF COLORADO

By: /s/ Kyle M. Holter  
David Moskowitz\*  
*Deputy Solicitor General*  
Sarah H. Weiss\*  
*Senior Assistant Attorney General*  
Kyle M. Holter\*  
Sam Wolter\*  
*Assistant Attorneys General*  
Colorado Office of the Attorney General  
1300 Broadway, #10  
Denver, CO 80203

1300 I Street  
Sacramento, CA 95814  
(916) 210-6346  
[Joel.Marrero@doj.ca.gov](mailto:Joel.Marrero@doj.ca.gov)  
[William.Downer@doj.ca.gov](mailto:William.Downer@doj.ca.gov)  
[Ezra.Kautz@doj.ca.gov](mailto:Ezra.Kautz@doj.ca.gov)  
[Brian.Bilford@doj.ca.gov](mailto:Brian.Bilford@doj.ca.gov)  
[Michael.Newman@doj.ca.gov](mailto:Michael.Newman@doj.ca.gov)

*Counsel for the State of California*

**KRISTIN K. MAYES**  
ATTORNEY GENERAL OF ARIZONA

By: /s/ Joshua A. Katz  
Joshua A. Katz\*  
*Assistant Attorney General*  
Office of the Arizona Attorney General  
2005 N. Central Ave.  
Phoenix, Arizona 85004  
(602) 542-3333  
[Joshua.Katz@azag.gov](mailto:Joshua.Katz@azag.gov)

*Counsel for the State of Arizona*

**BRIAN L. SCHWALB**  
ATTORNEY GENERAL FOR THE DISTRICT OF  
COLUMBIA

By: /s/ Andrew C. Mendrala  
Andrew C. Mendrala\*  
*Assistant Attorney General*  
Public Advocacy Division  
Office of the Attorney General for the District  
of Columbia  
400 Sixth Street, NW  
Washington, D.C. 20001  
(202) 724-9726  
[Andrew.mendrala@dc.gov](mailto:Andrew.mendrala@dc.gov)

*Counsel for the District of Columbia*

**KWAME RAOUL**  
ATTORNEY GENERAL OF ILLINOIS

(720) 508-6000  
[david.moskowitz@coag.gov](mailto:david.moskowitz@coag.gov)  
[sarah.weiss@coag.gov](mailto:sarah.weiss@coag.gov)  
[kyle.holter@coag.gov](mailto:kyle.holter@coag.gov)  
[samuel.wolter@coag.gov](mailto:samuel.wolter@coag.gov)

*Counsel for the State of Colorado*

**WILLIAM TONG**  
ATTORNEY GENERAL OF CONNECTICUT

By: /s/ Andrew Ammirati  
Andrew Ammirati\*  
*Assistant Attorney General*  
Connecticut Office of the Attorney General  
165 Capitol Ave  
Hartford, CT 06106  
(860) 808-5090  
[Andrew.Ammirati@ct.gov](mailto:Andrew.Ammirati@ct.gov)

*Counsel for the State of Connecticut*

**ANNE E. LOPEZ**  
ATTORNEY GENERAL OF HAWAI‘I

By: /s/ Kaliko‘onālani D. Fernandes  
David D. Day\*  
*Special Assistant to the Attorney General*  
Kaliko‘onālani D. Fernandes\*  
*Solicitor General*  
Hawai‘i Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813  
(808) 586-1360  
[david.d.day@hawaii.gov](mailto:david.d.day@hawaii.gov)  
[kaliko.d.fernandes@hawaii.gov](mailto:kaliko.d.fernandes@hawaii.gov)

*Counsel for the State of Hawai‘i*

**OFFICE OF THE GOVERNOR ex rel.**  
**ANDY BESHEAR**

By: /s/ Abigail R. Durkin

Abigail R. Durkin\*

*Assistant Attorney General II, Special  
Litigation Bureau*

Cara Hendrickson\*

*Assistant Chief Deputy Attorney General*  
Office of the Illinois Attorney General  
115 South LaSalle Street  
Chicago, IL 60603  
Tel. (312) 814-3000

[Abigail.Durkin@ilag.gov](mailto:Abigail.Durkin@ilag.gov)

[Cara.Hendrickson@ilag.gov](mailto:Cara.Hendrickson@ilag.gov)

*Counsel for the State of Illinois*

**AARON M. FREY**

ATTORNEY GENERAL OF MAINE

By: /s/ Sarah A. Forster

Sarah A. Forster\*

*Assistant Attorney General*  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
Tel.: (207) 626-8800  
Fax: (207) 287-3145

[Sarah.Forster@maine.gov](mailto:Sarah.Forster@maine.gov)

*Counsel for the State of Maine*

**DANA NESSEL**

ATTORNEY GENERAL OF MICHIGAN

By: /s/ Neil Giovanatti

IN HIS OFFICIAL CAPACITY AS GOVERNOR OF  
THE COMMONWEALTH OF KENTUCKY

By: /s/ S. Travis Mayo

S. Travis Mayo\*

*General Counsel*

Taylor Payne\*

*Chief Deputy General Counsel*

Laura C. Tipton\*

*Deputy General Counsel*

Office of the Governor  
700 Capitol Avenue, Suite 106  
Frankfort, KY 40601  
(502) 564-2611

[travis.mayo@ky.gov](mailto:travis.mayo@ky.gov)

[taylor.payne@ky.gov](mailto:taylor.payne@ky.gov)

[laurac.tipton@ky.gov](mailto:laurac.tipton@ky.gov)

*Counsel for the Office of the Governor*

**ANDREA JOY CAMPBELL**

ATTORNEY GENERAL OF MASSACHUSETTS

By: /s/ Katherine Dirks

Katherine Dirks\*

*Chief State Trial Counsel*

Jonathan Green\*

*Division Chief*

Veronica Zhang\*

*Assistant Attorney General*

*Non-Profit Organizations / Public Charities*

Massachusetts Office of the Attorney General  
1 Ashburton Pl. Boston, MA 02108  
(617) 963-2277

[katherine.dirks@mass.gov](mailto:katherine.dirks@mass.gov)

*Counsel for the Commonwealth of  
Massachusetts*

**KEITH ELLISON**

ATTORNEY GENERAL OF MINNESOTA

Neil Giovanatti\*  
Alexus Ringstad\*  
*Assistant Attorneys General*  
Michigan Department of Attorney General  
525 W. Ottawa  
Lansing, MI 48909  
(517) 335-7603  
[GiovanattiN@michigan.gov](mailto:GiovanattiN@michigan.gov)  
[RingstadA@michigan.gov](mailto:RingstadA@michigan.gov)

*Counsel for the People of the State of Michigan*

**AARON D. FORD**  
ATTORNEY GENERAL OF NEVADA

By: /s/ Heidi Parry Stern  
Heidi Parry Stern\*  
*Solicitor General*  
Office of the Nevada Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101  
[HStern@ag.nv.gov](mailto:HStern@ag.nv.gov)

*Counsel for the State of Nevada*

**RAÚL TORREZ**  
ATTORNEY GENERAL OF NEW MEXICO

By: /s/ James W. Grayson  
James W. Grayson\*  
*Chief Deputy Attorney General*  
New Mexico Department of Justice  
P.O. Drawer 1508  
Santa Fe, NM 87504-1508  
(505) 490-4060  
[jgrayson@nmdoj.gov](mailto:jgrayson@nmdoj.gov)

*Counsel for the State of New Mexico*

By: /s/ Liz Kramer  
Liz Kramer\*  
*Solicitor General*  
Minnesota Attorney General's Office  
445 Minnesota Street, Suite 1400  
St. Paul, Minnesota, 55101  
(651) 757-1010  
[Liz.Kramer@ag.state.mn.us](mailto:Liz.Kramer@ag.state.mn.us)

*Counsel for the State of Minnesota*

**MATTHEW J. PLATKIN**  
ATTORNEY GENERAL OF NEW JERSEY

/s/ Jessica L. Palmer  
Jessica L. Palmer\*  
Lauren E. Van Driesen\*  
*Deputy Attorneys General*  
Office of the Attorney General  
124 Halsey Street, 5th Floor  
Newark, NJ 07101  
(609) 696-4607  
[Jessica.Palmer@law.njoag.gov](mailto:Jessica.Palmer@law.njoag.gov)

*Counsel for the State of New Jersey*

**LETITIA JAMES**  
ATTORNEY GENERAL OF NEW YORK

By: /s/ Jessica Ranucci  
Jessica Ranucci\*  
*Special Counsel, Federal Initiatives*  
Rabia Muqaddam\*  
*Special Counsel for Federal Initiatives*  
Office of the Attorney General  
28 Liberty St.  
New York, NY 10005  
(929) 638-0447  
[Jessica.ranucci@ag.ny.gov](mailto:Jessica.ranucci@ag.ny.gov)  
[rabia.muqaddam@ag.ny.gov](mailto:rabia.muqaddam@ag.ny.gov)

*Counsel for the State of New York*

**JEFF JACKSON**

ATTORNEY GENERAL OF NORTH CAROLINA

**LAURA HOWARD**

CHIEF DEPUTY ATTORNEY GENERAL

By /s/ Daniel P. Mosteller

Daniel P. Mosteller\*

*Associate Deputy Attorney General*  
North Carolina Department of Justice  
PO Box 629  
Raleigh, NC 27602  
(919) 716-6026  
[dmosteller@ncdoj.gov](mailto:dmosteller@ncdoj.gov)

*Counsel for the State of North Carolina*

**JOSH SHAPIRO**

IN HIS OFFICIAL CAPACITY AS GOVERNOR OF  
THE COMMONWEALTH OF PENNSYLVANIA

By: /s/ Kenneth L. Joel

Kenneth L. Joel\*

*Deputy General Counsel*  
Benjamin Holt\*  
*Chief Counsel*  
*Pennsylvania Department of Labor*  
Melissa Murphy\*  
*Senior Counsel*  
*Pennsylvania Department of Labor*  
Governor's Office of General Counsel  
30 N. 3rd St., Suite 200  
Harrisburg, PA 17101  
(717) 649-8669  
[kennjoel@pa.gov](mailto:kennjoel@pa.gov)

*Counsel for Governor Josh Shapiro*

**CHARITY R. CLARK**

ATTORNEY GENERAL OF VERMONT

**DAN RAYFIELD**

ATTORNEY GENERAL OF OREGON

By: /s/ Coby Howell

Coby Howell\*

*Senior Assistant Attorney General*  
100 SW Market Street  
Portland, OR 97201  
Tel (971) 673-1880  
Fax (971) 673-5000  
[coby.howell@doj.oregon.gov](mailto:coby.howell@doj.oregon.gov)

*Counsel for the State of Oregon*

**PETER F. NERONHA**

ATTORNEY GENERAL OF RHODE ISLAND

By: /s/ Kyla Duffy

Kyla Duffy\*

*Special Assistant Attorney General*  
Rhode Island Attorney General's Office  
150 South Main Street  
Providence, RI 02903  
(401) 274-4400, Ext. 2809  
[kduffy@riag.ri.gov](mailto:kduffy@riag.ri.gov)

*Counsel for the State of Rhode Island*

**NICHOLAS W. BROWN**

ATTORNEY GENERAL OF WASHINGTON

By: /s/ Jonathan T. Rose

Jonathan T. Rose\*

*Solicitor General*

Office of the Vermont Attorney General

109 State Street

Montpelier, VT 05609

(802) 828-3171

[Jonathan.rose@vermont.gov](mailto:Jonathan.rose@vermont.gov)

*Counsel for the State of Vermont*

By: /s/ Abby Kahl

Abigail Kahl\*

Andrew R. W. Hughes\*

*Assistant Attorneys General*

Office of the Attorney General

2425 Bristol Court SW

Second Floor

PO Box 40117

Olympia, WA 98504

360-534-4864

[Abigail.Kahl@atg.wa.gov](mailto:Abigail.Kahl@atg.wa.gov)

[Andrew.Hughes@atg.wa.gov](mailto:Andrew.Hughes@atg.wa.gov)

*Counsel for the State of Washington*

**JOSHUA L. KAUL**

ATTORNEY GENERAL OF WISCONSIN

By: /s/ Charlotte Gibson

Charlotte Gibson\*

*Assistant Attorney General*

Wisconsin Department of Justice

P.O. Box 7857

Madison, WI 53707

(608) 957-5218 (phone)

(608) 294-2907 (fax)

*Counsel for the State of Wisconsin*

*\* Pro hac vice*



**CERTIFICATE OF SERVICE**

I certify that on August 21, 2025, I filed the foregoing document via CM/ECF and thereby served all parties who have appeared through counsel on the Court's electronic docket.

Respectfully submitted,

/s/ Michael Drezner

Michael Drezner (D. Md. Bar. No. 31784)

*Senior Assistant Attorney General*

Office of the Attorney General

200 Saint Paul Place

Baltimore, Maryland 21202

(410) 576-6959

[mdrezner@oag.state.md.us](mailto:mdrezner@oag.state.md.us)